

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE PARK CENTRAL CONDOMINIUM ASSOCIATION, INC., TO ALLOW FOR THE ERECTION OF DECORATIVE, IRON FENCING WITHIN THE PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, Park Central Condominium Association, Inc. (hereinafter "Park Central") owns a residential building located at 1101 Juniper Street N.E., Atlanta, Georgia 30309; and

WHEREAS, the City's Code of Ordinances, at Sections 138-22 and 138-24, require that an Agreement be entered into between the City of Atlanta (hereinafter "City") and Park Central for authorization to erect fencing in the public right-of-way and for authorization for Park Central to continue to maintain said fencing that is in the public right-of-way; and

WHEREAS, Park Central desires to construct and maintain iron fencing as a decorative barrier in the public right-of-way to protect planted flowers, grass and other drought resistant decorative plants running along the front of the building on either side of the front entrance from being damaged by animals and is generally depicted on Exhibit "A" attached hereto and by this reference made apart hereof (hereinafter referred to as the "Site Plan"); and

WHEREAS, said fencing will extend for approximately twenty two (22) feet on one side of the front entrance and approximately twenty-seven (27) feet on the other side of the front entrance to the building; and

WHEREAS, Park Central has agreed to conform to the conditions set out in the Atlanta City Code of Ordinances at Sections 138-22 and 138-24.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee is authorized, on behalf of the Department of Public Works, to enter into an agreement with the Park Central Condominium Association, Inc., for the purpose of granting to Park Central the right to install and the obligation to thereafter maintain decorative iron fencing in the public right-of-way along the street frontage at 1101 Juniper Street, N.E., as depicted in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED, that the plans and specifications for said fencing shall be submitted for the review and approval of the Commissioner of the Public Works prior to the fencing being installed.

BE IT FURTHER RESOLVED, that Park Central will acquire all necessary permits needed for installation.

BE IT FURTHER RESOLVED, that Park Central shall indemnify the city for any damages to persons or properties resulting from the erection and maintenance of said fencing.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare in agreement, acceptable as to form, for execution by the Mayor and Park Central.

BE IT FINALLY RESOLVED, that this Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the Agreement has been approved as to form by the City Attorney, signed by the Mayor, executed by the City Clerk, and delivered to the Park Central Condominium Association, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE PARK CENTRAL CONDOMINIUM ASSOCIATION, INC., TO ALLOW FOR THE ERECTION OF DECORATIVE, IRON FENCING WITHIN THE PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Council Meeting Date: August 17, 2009

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to install two (2) 15"-18" tall decorative iron fences around the entrance areas of 1101 Juniper Street, NE.

2. Please provide background information regarding this legislation.

Park Central would like to provide permanent solution to dead and dying plants in front of their building.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

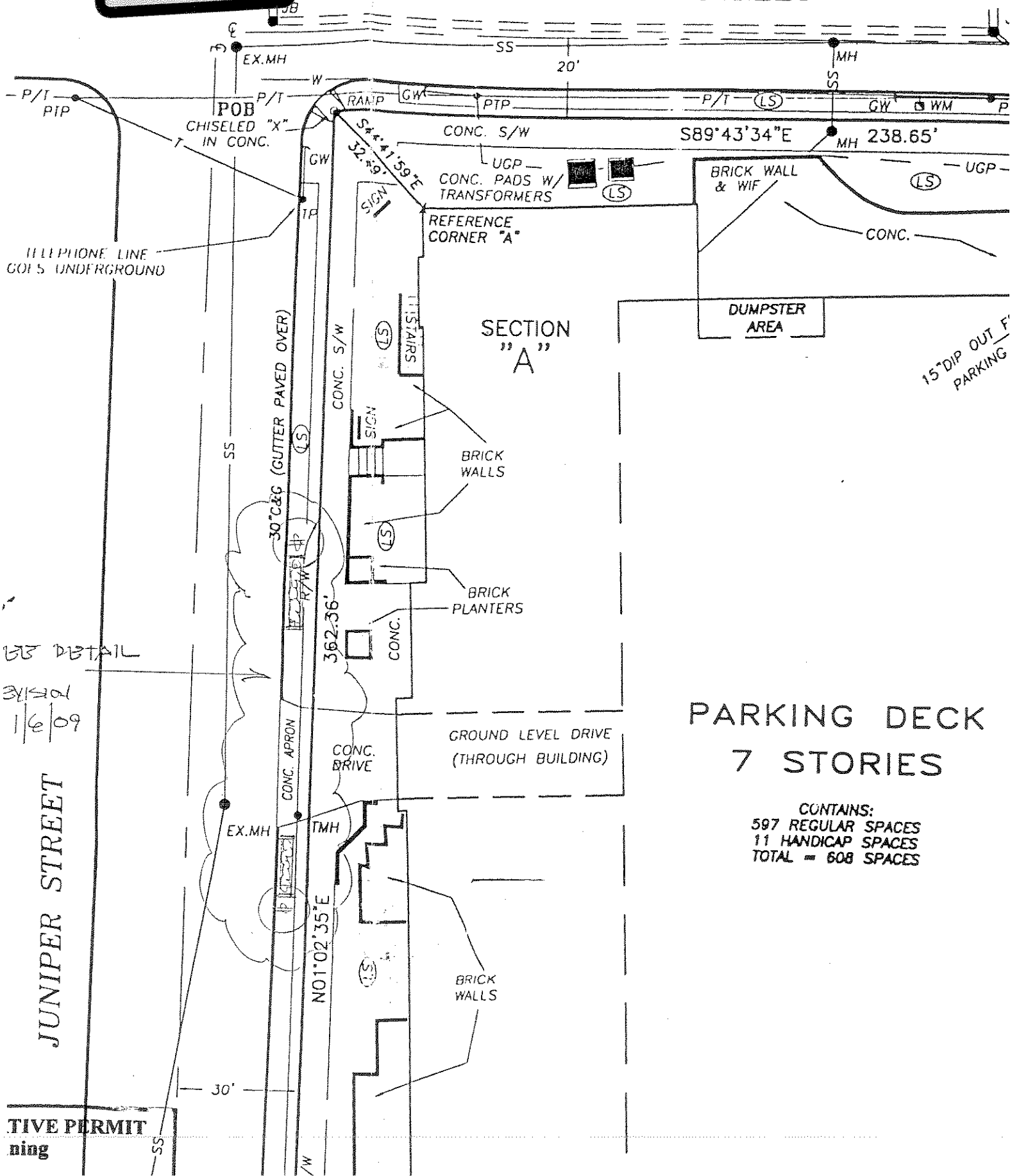
7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Wahab Alabi

EXHIBIT

A

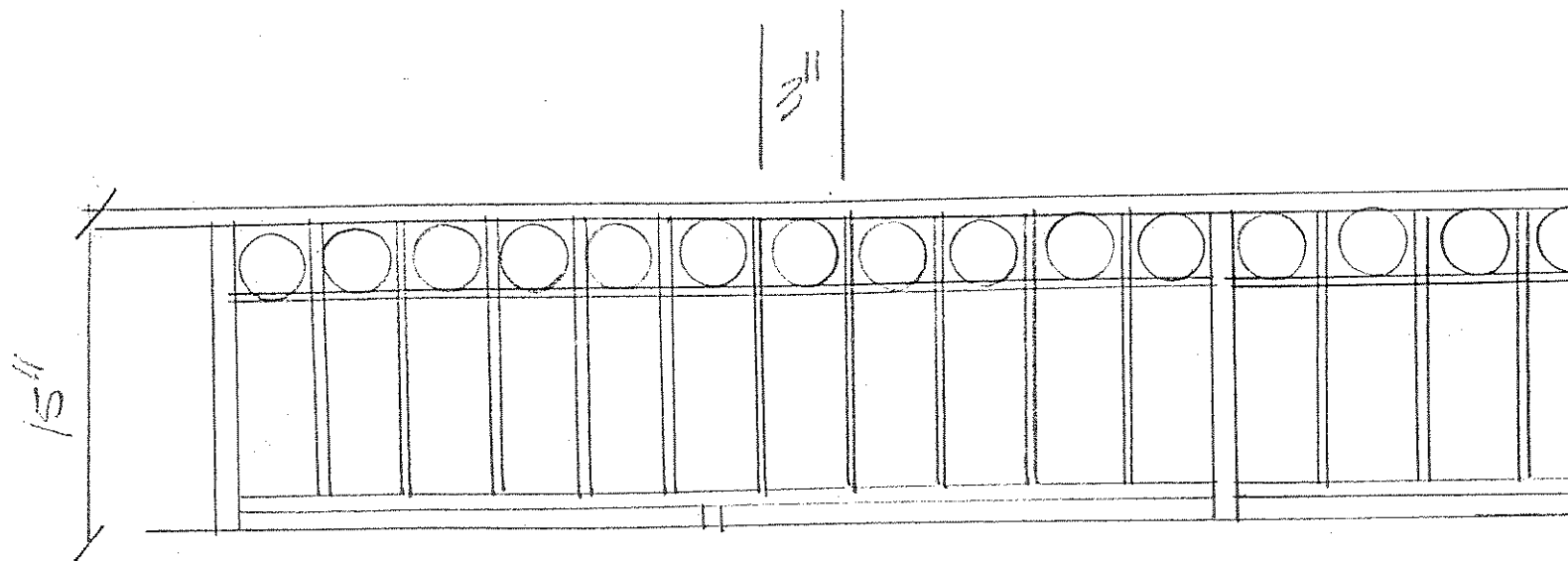
THIRTEENTH STREET



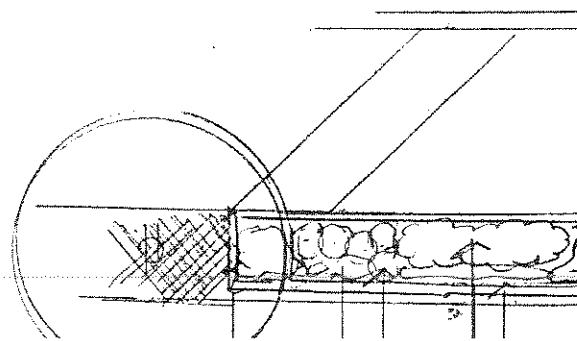
3/15/09
1/6/09
DETAIL

JUNIPER STREET

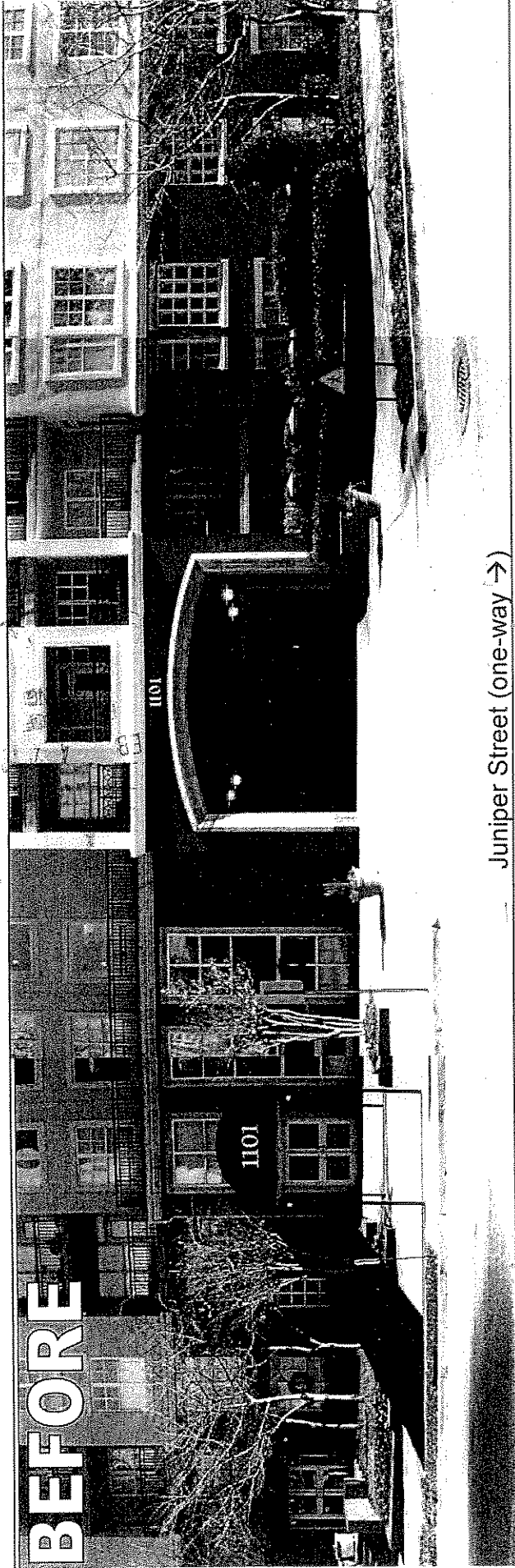
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NO SCALE

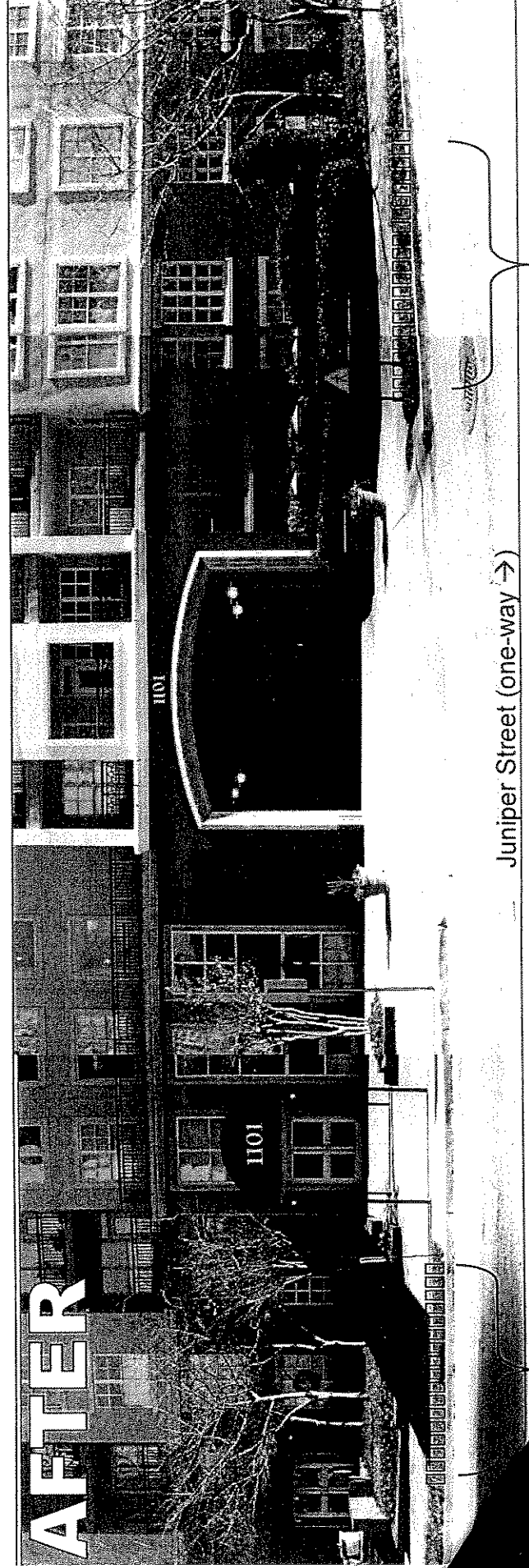


BEFORE



Juniper Street (one-way →)

AFTER



Juniper Street (one-way →)

Area ~22'

Right Area ~27'



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6008

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: July 14, 2009

Anticipated Committee Meeting Date(s): July 28, 2009

Anticipated Full Council Date: August 17, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE PARK CENTRAL CONDOMINIUM ASSOCIATION, INC., TO ALLOW FOR THE ERECTION OF DECORATIVE, IRON FENCING WITHIN THE PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: [Signature] (date) Reviewed by: [Signature] (date)

Submitted to Council: _____